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## FAX Transmission Sheet

February 3, 2006

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To: Examiner Jan M. Ludlow Fax No. (571) 273-8300  
From: Stephen P. Burr Fax No. (315) 233-8320  
Re: In re the Application of: Takao OHNISHI, Toshikazu HIROTA and Shigeki KIRA  
Serial No.: 10/023,455 Art Unit: 1743  
Date Filed: December 17, 2001 Conf. No. 2269  
Title: METHOD OF FORMING DETECTION SPOTS ON AN ANALYTE DETECTION  
CHIP  
Our Docket No.: 796\_007

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### COMMENTS:

I hereby certify that the following paper(s) is/are being facsimile transmitted to Examiner Jan M. Ludlow at (571) 273-8300 at the Patent and Trademark Office on *February 3, 2006*:

<u>Paper</u>	<u># of Pages</u>
1. Response to Restriction Requirement .....	<u>2</u>
Total Pages (including cover page)	3

Elizabeth A. VanAntwerp

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Practitioner's Docket No.: 796\_007

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Takao OHNISHI, Toshikazu HIROTA and Shigeki KIRA

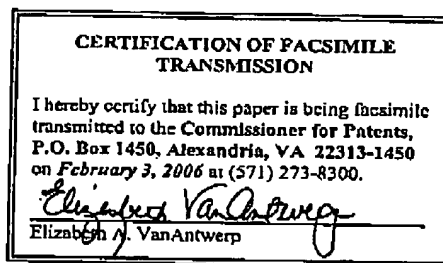
Ser. No.: 10/023,455

Art Unit: 1743

Filed: December 17, 2001

Examiner: Jan M. Ludlow

Confirmation No.: 2269

For: METHOD OF FORMING DETECTION SPOTS ON AN ANALYTE DETECTION  
CHIPCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RECEIVED  
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FEB 03 2006****RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Office Action mailed January 11, 2006, Applicants hereby provisionally elect, with traverse, to prosecute the claims of Group I (claims 1, 2, 4-8 and 10-12) in this application.

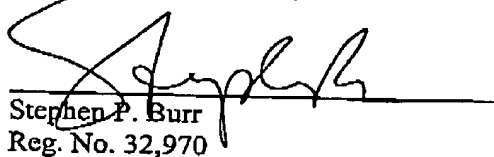
However, Applicants respectfully traverse the restriction requirement since the subject matter of claims 1, 2, 4-8 and 10 - 13 is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on

the merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and improper duplicative examination by the Patent Office.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

  
Stephen P. Burr  
Reg. No. 32,970

February 3, 2006  
Date

SPB/eav

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